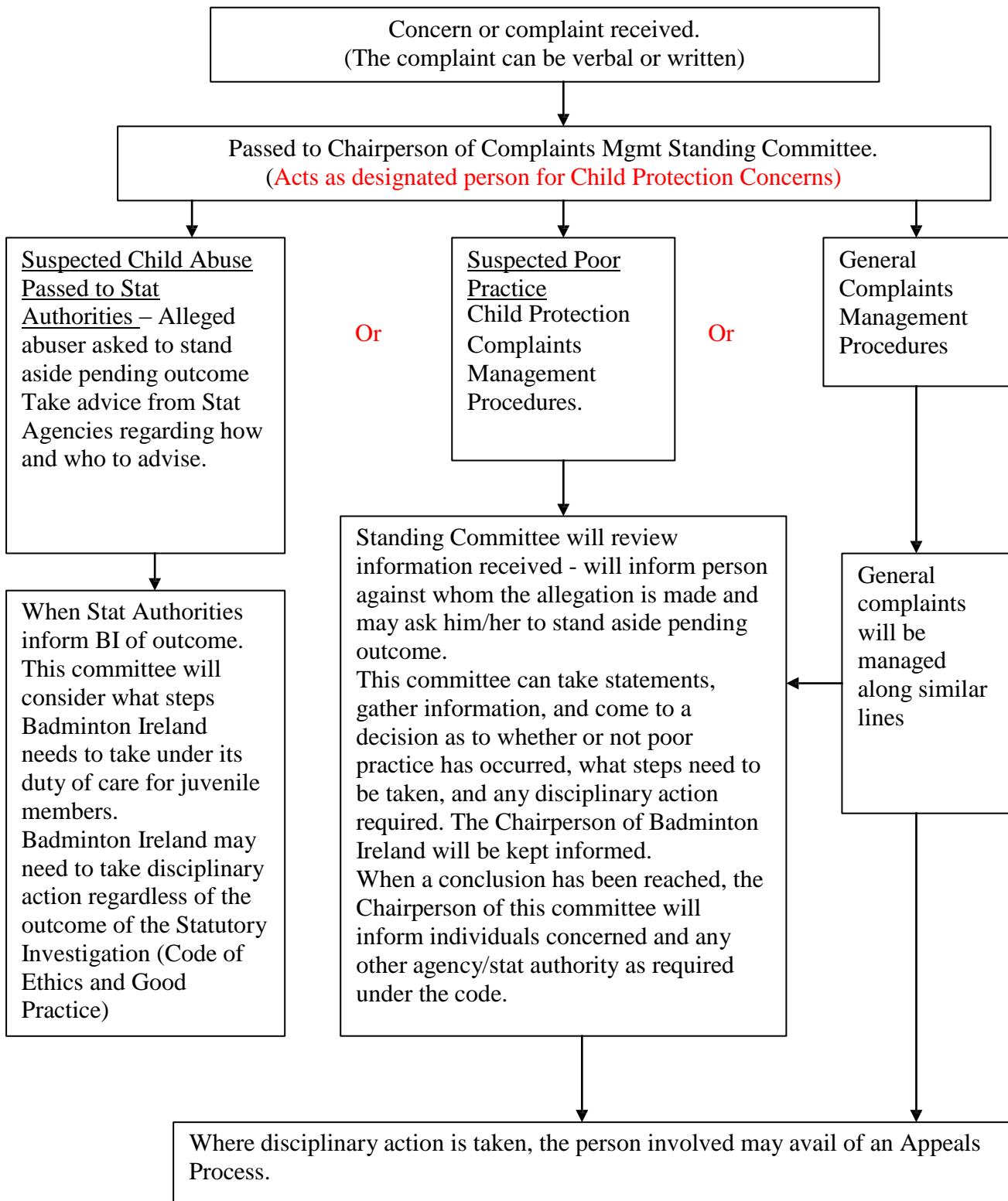


Badminton Ireland's Complaints Management Procedures.



Note: If the complaint received concerns any person on the standing committee – or any person close to them such as a family member, they will temporarily stand aside.

Badminton Ireland's Complaints Management Procedures.

Badminton Ireland has drawn up procedures to enable the organisation deal appropriately with general complaints and with any concerns raised about the welfare of a young person. All groups affiliated to Badminton Ireland are required to put in place similar procedures. These procedures are designed to ensure that:

- The safety of the young person is the overriding priority.
- The reputation of the person against whom the allegation is made is protected, as far as possible, while the process of dealing with the complaint is ongoing.
- That the process, while protecting the young person, is consistent and fair to everyone involved.

In the exercise of its duty of care for young people, Badminton Ireland will record and retain as appropriate, details of any individual temporarily suspended or permanently disqualified. All records will be kept confidential, with limited access, and information will only be passed to others on a "need to know" basis.

However, under this duty of care, Badminton Ireland may be obliged to share information with Statutory Authorities or other Agencies and with other groups within Badminton Ireland. This sharing of information will only be done where it is deemed necessary for the protection of juveniles. When information is being shared, the identity of child/young person will be protected where possible unless the complaint/allegation is against a child/young person.

Badminton Ireland shall not be liable to any suspended or disqualified individual, club or affiliated group for any loss, howsoever caused, whether direct, indirect, economic or consequential (including without limitation loss of profits, savings or opportunity) arising out of or in connection with such suspension and/or disqualification or under the Badminton Ireland's Complaints Management Procedures.

"Child/Young persons" in this document refers to those aged under 18 years

Badminton Ireland has jurisdiction to hear complaints in respect of: any Badminton Ireland employee, affiliated member, affiliated group or appointed adult who has agreed or is deemed to have agreed to comply with Badminton Ireland's regulations or policies. Affiliated refers to any Individual, Club, County, Branch or League associated through membership whether directly or indirectly to Badminton Ireland.

Complaints may be:

- A general behaviour issue usually concerning behaviour that infringes on the rules of the sport or behaviour that brings the game into disrepute.
- A Child Protection concern which may be:
 - a) Suspected abuse– which must be passed on to the Statutory Agencies.
 - b) Suspected poor practice – which can be dealt with internally through Badminton Ireland's Child Protection Complaints Management Procedures.

Child Protection concerns:

To ensure the welfare and safety of the young person or other young people Badminton Ireland may impose a temporary suspension upon an individual in respect of whom concerns have been raised until Statutory Authorities have concluded their process or in the case of poor practice, the internal complaints management process has been completed.

The individual concerned will be temporarily suspended from any and all badminton activities under the auspices of Badminton Ireland pending the outcome of any investigation where such a suspension is deemed by Badminton Ireland to be warranted or necessary to ensure the welfare and safety of the Young Person involved and/or other Young Persons who come or may come into contact with the individual in question.

If any individual is temporarily suspended and during the course of the suspension Badminton Ireland is informed that a breach or abuse of the suspension is or has taken place, the individual will be given a written warning. Failure to adhere to the terms of the written warning may result in a permanent disqualification from any and all Badminton activities. If the individual is temporarily suspended for child protection concerns the responsibility is on that individual to advise the organiser/leader of any other youth activity group that they may be involved in of their suspension from BI. If such information comes to the attention of BI they will follow their Duty to Care for other children and seek advice from statutory authorities on sharing the information they have.

Badminton Ireland's Complaints Management Standing Committee is empowered to examine concerns raised, come to a decision and impose sanctions, or make recommendations. There will be a right of appeal.

Upon the receipt, concerns or complaints will be passed to the Complaints Management Committee Chairperson.

If the concern raised is suspected child abuse the matter will be immediately passed to the Statutory Authorities and the Chairperson of Badminton Ireland will be informed.

If the concern raised is one of poor practice the procedures set out in this document will be followed. The Chairperson of Badminton Ireland will be informed. It may be necessary to consult informally with Statutory Agencies before any internal action is taken.

If the concern raised is of a general nature, the procedures for General Complaints Management will be followed.

The individual about whom the concern has been raised will be contacted by letter and by phone, advised of the nature of the complaint and may be asked to stand aside (*see temporary suspension*) while the committee deals with the issue.

He/she will be asked to send their response in writing within 14days.

He/she will be reminded that no attempt should be made to approach, intimidate or influence any other person or group involved in the case.

The committee will do all it can to come to a speedy conclusion and will update the individuals concerned at least every four (4) weeks.

The Chairperson of Badminton Ireland will be updated regularly.

Hearings

All communication, during the initial hearing by the Complaints Management Committee, shall be through the Chairperson of that Committee.

Written communication should be by registered or recorded mail.

The Committee may come to a conclusion based on written and verbal submissions or may hold hearings.

If individuals concerned requests a hearing, the Committee will facilitate this but will inform all parties involved. Hearing dates, time and place shall be set by the Committee.

The individual concerned is entitled to be supported at the Hearing by a colleague. There is no right to legal representation but the Complaints Management Committee may permit the individual concerned to be legally represented.

The Complaints Management Chairperson must be notified of the intention to have legal representation present no later than seven (7) days prior to the hearing. The attendance or otherwise of the legal representative will not generally be accepted as a reason to fix a date by reference to the availability of legal representatives and/or postpone a hearing.

The parties must notify the Committee and other parties as soon as practicable and within any time limits set by the Complaints Management Committee of the identity of any witnesses they wish to call, and, if the Committee requires it, each party shall disclose the subject matter and content of the evidence on which each such witness will be relying and how that evidence relates to the points at issue.

The Committee may question a witness at any stage and shall control the questioning of a witness by the other parties at all times in accordance with applicable rules on fairness and natural justice.

The Committee may, provided it has notified the parties, appoint one or more experts to report to the Committee on specific issues and may require a party to give such an expert any relevant information or to produce, or to provide access to, any relevant documents, goods or property for inspection by the expert.

The Committee may (unless the parties shall otherwise agree) direct an expert witness to give evidence either before a hearing in the form of a written report and/or at the hearing in the form of an oral report, and may also require an expert witness to attend a hearing so that the Committee or the parties may question him or her, and the parties may present other expert witnesses in order to testify on the points at issue.

Decisions:

The Committee shall decide on any issue by a majority and if the Committee fails to reach a majority decision on any issue, the Chairman of the Committee shall have a casting vote. The decision shall be in writing and shall be dated and signed by each member of the committee and shall, unless otherwise agreed by the parties, be accompanied by brief summarised reasons on which it is based. When the committee has reached a conclusion they will inform in writing:

- The Chairperson of Badminton Ireland.
- The person(s) bringing the complaint.
- The individual against whom the complaint has been made.
- Other sections of the organisation – as necessary under Badminton Ireland’s duty of care.
- Other Agencies as required under the Code of Ethics and Good Practice.

The alleged offender will be informed of the right of appeal.

Sanctions may include but are not limited to:

- Suspension for a period of time.
- Suspension for a period of time and subject to retraining.
- No suspension but subject to conditions.
- Permanently disqualify the individual from all or any badminton activities.
- A written conditional warning outlining the areas of concern or improvements required
- Require the individual to undergo further training (e.g. a refresher coaching course or Child Protection Awareness Course).
- Suspend or revoke the individual’s Badminton Coaching qualification/Membership either indefinitely or for a specific period of time.

Advising statutory authorities if the disciplinary actions have been for child protection concerns to enable them to consider listing the individual as a disqualified person. Where the offender is an employee of Badminton Ireland the Employees Disciplinary Regulations will to be taken into account.

Where an offender fails to comply with the sanctions imposed, membership of the organisation will be withdrawn.

All individuals have a right to appeal the Complaints Management Committee’s decision.

Any such appeal must be in writing and received by the Chairperson of the Complaints Management Committee within fourteen (14) days from the date of the letter detailing the decision of the Committee.

This appeal must set out the grounds for the appeal, be accompanied by relevant documents and by a €50 deposit, which will be refunded if the appeal is upheld or the committee deem a refund appropriate.

Appeals:

The Badminton Ireland Board shall appoint an Appeals Manager and an Appeals Panel from which the appeals manager shall select 3 members to form an appeal committee when required.

The committee shall select a chairperson.

An appeals committee will not include any person who:

- Has been a member of the Complaints Management Committee dealing with the particular complaint.
- Is a relative or family member of:
 - Any of the individuals involved in the case
 - Any member of the Complaints Management Committee.

A full Panel is required to be in session to deal with the appeal.

All communication, during the appeals process, shall be through the Chairperson of the Appeals Committee.

Written communication should be by registered or recorded mail.

The Chairperson of the Complaints Management Committee responsible for the original decision shall provide a written statement for the appeal panel together with any relevant supporting documents detailing:

- The circumstances that occurred or the original offence.
- The decision taken.
- Any appropriate justification or explanation.
- The information that was considered in reaching the original decision (regulations/reports/ correspondence).

The Appeal Committee may come to a conclusion based on written and verbal submissions or may hold hearings.

If individuals concerned request a hearing, the Committee will facilitate this but will inform all parties involved. Hearing dates, time and place shall be set by the Committee.

The individual concerned is entitled to be supported at the Hearing by a colleague. There is no right to legal representation but the Committee may permit the individual concerned to be legally represented.

The Committee Chairperson must be notified of the intention to have legal representation present no later than seven (7) days prior to the hearing. The attendance or otherwise of the legal representative will not generally be accepted as a reason to fix a date by reference to the availability of legal representatives and/or postpone a hearing.

The parties must notify the Committee and other parties as soon as practicable and within any time limits set by the Committee of the identity of any witnesses they wish to call, and, if the Committee requires it, each party shall disclose the subject matter and content of the evidence on which each such witness will be relying and how that evidence relates to the points at issue.

The Committee may question a witness at any stage and shall control the questioning of a witness by the other parties at all times in accordance with applicable rules on fairness and natural justice.

The Committee may, provided it has notified the parties, appoint one or more experts to report to the Committee on specific issues and may require a party to give such an expert any relevant information or to produce, or to provide access to, any relevant documents, goods or property for inspection by the expert.

The Committee may (unless the parties shall otherwise agree) direct an expert witness to give evidence either before a hearing in the form of a written report and/or at the hearing in the form of an oral report, and may also require an expert witness to attend a hearing so that the Committee or the parties may question him or her, and the parties may present other expert witnesses in order to testify on the points at issue.

Decisions

The Committee shall decide on any issue by a majority and if the Committee fails to reach a majority decision on any issue, the Chairman of the Committee shall have a casting vote. The decision shall be in writing and shall be dated and signed by each member of the Committee and shall, unless otherwise agreed by the parties, be accompanied by brief summarised reasons on which it is based.

The Appeal Committee Chairperson shall inform the Chairperson of the Complaints Management Committee, and the Board of Badminton Ireland through its Chairperson.

The Chairperson of the Complaints Management Committee will notify the parties of the decision within seven (7) days of any hearing (or in the event of there being no hearing, within fourteen (14) days of receipt of all pleadings).

The appeal Committee can however have the option to call the applicant, if there in person, back into the meeting and advise the said appellant of their decision.

If, after following the internal procedures, it is found that there is no case to answer Badminton Ireland will ensure that the individual against whom the concern has been raised is reinstated.

Costs.

Each party will bear its own costs throughout the process.

Records

Record will be managed as per Badminton Ireland's regulations for data retention and disposal.

Just Sport in Ireland

All decisions issued by the Badminton Ireland appeals procedure may be appealed exclusively by referral to Just Sport Ireland, within 14 days from receipt of such decision, for final and binding arbitration in accordance with the Just Sport Ireland Arbitration Rules. Each party will bear its own costs throughout the process.